

REMARKS

In the Office Action, claims 1-30 are pending and rejected. In this response, no claim has been canceled and claims 1, 3, 11-12, 14-17, 19, 21-22, 24, 26-27, and 30 have been amended to particularly point out and distinctly claim, in full, clear, concise, and exact terms, the subject matter which Applicant regards as his invention. In addition, new claims 31-32 have been added. A portion of the specification has been amended. No new matter has been added. Reconsideration of the present application as amended is respectfully requested.

The Office Action stated that claims 7, 10, and 24-30 should be withdrawn because they refer to a non-elected species. Applicant respectfully disagrees. It is respectfully submitted that the limitation of multiple sub-chambers as recited in claims 7, 10, and 24-30 has been described in view of Figure 10, which was not mentioned or restricted in the previous restriction requirement. Thus, Figure 10 should be considered in relation to any of the Species A-C. In addition, the concept of enclosing propellant material in a bag has been disclosed in Figures 1-2; page 8 of the specification and therefore, should be considered as part of the elected species. Reconsideration of claims 7, 10, and 24-30 is respectfully requested.

Claims 11-13 are withdrawn from consideration and are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. The disclosure is objected to because on page 11, lines 21-26, numerical indicators 61 and 62 should be reversed.

Claims 3-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In view of the foregoing amendments, it is respectfully submitted that the rejection has been overcome.

Claims 1-6, 8-9, and 14-23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,854,231, to Broyles (“Broyles”). It is respectfully submitted that claims 1-32 include limitations that are not disclosed by Broyles.

Specifically, for example, independent claim 1 as amended recites as follows:

1. A cartridge assembly for firearms or weapons, said cartridge assembly including:
a support body having a central longitudinal channel housing a plurality of projectiles in end-to-end orientation and having a plurality of chambers arranged around the central longitudinal channel, wherein each chamber houses at least one propellant charge and is located adjacent to a respective projectile;
fluid communication means included in the support body for communicating the products of a gaseous expansion of said propellant from a respective chamber into said central longitudinal channel;
whereby, upon initiation of a selected propellant charge, the communicated products of gaseous expansion from a chamber force or eject a respective projectile from the cartridge assembly.

(Emphasis added)

Independent claim 1 includes limitations having a support body including a central channel housing multiple projectiles in an end-to-end orientation and multiple chambers that are arranged around the central channel. Each chamber houses at least one propellant charge. Claim 1 further includes a fluid communication means in the support body for communicating the products of a gaseous expansion of the propellant from a respective chamber into the central channel. It is respectfully submitted that these limitations are absent from Broyles.

It appears that the Office Action contended that Fig. 35 of Broyles reads on the present invention as claimed. However, Fig. 35 of Broyles, as discussed in col. 7, lines 39-56, shows a number of rounds in a barrel. Each round is formed by a slug 94, protrusion 93 in a shape of a cup, and a sabot 92. Each round is propelled from the barrel by propellant 95 located behind the respective sabot.

It is respectfully submitted that each protrusion 93 of Broyles is not a support body for multiple projectiles in an end-to-end orientation as required by independent claim 1. Rather, it simply contains a single slug 94. In addition, protrusion 93 of Broyles does not contain multiple chambers distributed around a central longitudinal channel, with each chamber housing a propellant charge adjacent to respective projectile, and each propellant charge relates to the round in front, as required by claim 1.

Furthermore, it appears that the protrusion 93 is separated from the sabot 92 when the round has emerged from the barrel. However, there is no fluid communication means which communicates the products of gaseous expansion from a respective chamber into the volume filled by the slug (see e.g., Broyles, Fig. 35; col. 7, lines 39-56). As discussed above, it is the propellant in the trailing round which acts on the sabot in front.

In order to anticipate a claim, each and every limitations of the claim must be taught by the reference. It is respectfully submitted that Broyles fails to disclose each and every limitations of claim 1 as amended. Therefore, for reasons set forth above, it is respectfully submitted that independent claim 1 as amended is not anticipated by Broyles.

Similarly, independent claims 17 and 24 include limitations similar to those recited in claim 1. Thus, for reasons similar to those set forth above, it is respectfully submitted that independent claims 17 and 24 are not anticipated by Broyles. Given that the rest of the claims depend from one of the above independent claims, it is respectfully submitted that the rest of the claims are not anticipated by Broyles. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would

expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

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